

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2007 MAR -7 P 2:42

UNITED STATES OF AMERICA,

Petitioner,

v.

WAYNE HUNT,
(Reg. No. 23405-149),

Respondent.

Misc. Action No.

07MBD10055

**NOTICE OF CERTIFICATION THAT RESPONDENT
IS A SEXUALLY DANGEROUS PERSON AND
REQUEST FOR HEARING PURSUANT TO 18 U.S.C. § 4248(a)**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby provides notice to this Court that the defendant, Wayne Hunt, Reg. No. 23405-149, has been certified to be a "sexually dangerous person" pursuant to section 302(4) of the Adam Walsh Child Protection and Safety Act, Pub. L. No. 109-248, Title III, § 302(4), 120 Stat. 620 (July 27, 2006), codified at 18 U.S.C. § 4248(a), and moves this Honorable Court for a hearing to determine whether defendant Wayne Hunt is a "sexually dangerous person" subject to civil commitment for treatment in an appropriate facility pursuant to 18 U.S.C. § 4248. In further support thereof, the United States says as follows:

1. Section 302(4) of the Adam Walsh Child Protection and Safety Act provides, as relevant here:

In relation to a person who is in custody of the Bureau of Prisons * * * any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall

send a copy of the certificate to the person, and to the attorney for the Government.
* * * The court shall order a hearing [to be conducted pursuant to the provisions of section 4247(d)] to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

18 U.S.C. § 4248(a). The term “sexually dangerous person” is defined in 18 U.S.C. § 4247(a)(5) to mean “a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others.” The term “sexually dangerous to others” is defined in 18 U.S.C. § 4247(a)(6) to mean, with respect to a person, “that the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.”

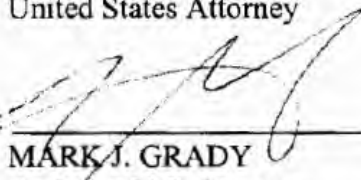
2. Attached hereto as Exhibit 1 is a “Certification of a Sexually Dangerous Person” executed by John D. Baxter, Interim Chairperson of the Bureau of Prisons’ Certification Review Panel. Attached hereto as Exhibit 2 is a copy of a memorandum from Harley G. Lappin, Director of the Bureau of Prisons, delegating to, among others, John D. Baxter, Interim Chairperson of the Bureau of Prisons’ Certification Review Panel, the authority to certify offenders as sexually dangerous persons pursuant to 18 U.S.C. § 4248(a). These documents establish that (1) the respondent, Wayne Hunt, is presently in Bureau custody at the Federal Medical Center, Devens, Massachusetts; and (2) that an individual, John D. Baxter, who has received the required delegation of authority from the Director of the Bureau of Prisons, has certified that respondent Wayne Hunt is a “sexually dangerous person” as defined by 18 U.S.C. § 4247(a)(5) and “sexually dangerous to others” as defined by 18 U.S.C. § 4247(a)(6).

WHEREFORE, the United States of America hereby requests that this Honorable Court set a time and date to conduct a hearing required by 18 U.S.C. § 4248(a) to determine whether

respondent is a sexually dangerous person subject to commitment to the custody of the Attorney General for treatment in a suitable facility in accordance with 18 U.S.C. § 4248(d). Pursuant to 18 U.S.C. § 4248(a), as the result of the filing of the certification attached to this petition as Exhibit 1, respondent Wayne Hunt will remain in custody pending completion of the procedures set forth in 18 U.S.C. § 4248.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: 
MARK J. GRADY
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3606

Dated: March 7, 2007

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, John D. Baxter, am Interim Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Wayne Robert Hunt, Register Number 23405-149, is in Bureau custody at the Federal Medical Center in Ayer (Devens), Massachusetts, serving an 1,828-day term of imprisonment for parole violation, as a result of his conviction for Kidnapping in violation of 18 U.S.C. § 1201 (Criminal Docket No. CR-76-738 (Western District of Louisiana)). The offense conduct in this case involved inmate Hunt abducting and transporting a 13-year-old boy from Louisiana to Georgia. Inmate Hunt's mandatory release date is March 18, 2007.

(3) Based on a review of inmate Hunt's Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

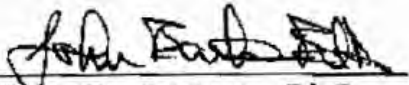
(A) Inmate Hunt previously engaged or attempted to engage in the sexually violent conduct or child molestation as evidenced by his conviction for Kidnapping - Second Degree, Use of a Child for Sexual

Performance, Promoting Sexual Performance, Sodomy - First Degree, and Sodomy - Second Degree on August 30, 1989, in Rensselaer County Court, New York. Inmate Hunt was sentenced to 12 ½ to 25 years imprisonment. The offense conduct involved inmate Hunt fondling the genitalia, engaging in oral and anal sex, and photographing boys, and one girl, under the age of 16 between June 1984 and May 1985.

(B) A limited psychological review of inmate Hunt indicated an Axis I diagnosis of Pedophilia, Sexually Attracted to Both, Nonexclusive Type, and an Axis II diagnosis of Antisocial Personality Disorder.

(C) An initial assessment of inmate Hunt using actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. This result, in addition to inmate Hunt's prior and current offense conduct, poor sexual self-regulation, history of offending while under supervision, history of obtaining erotic images of children, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


John D. Baxter, Ed.D.
Interim Chairperson
Certification Review Panel
Federal Bureau of Prisons

3/2/07
Date



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

October 31, 2006

MEMORANDUM FOR KATHLEEN M. KENNEY, ASSISTANT DIRECTOR
OFFICE OF GENERAL COUNSEL

JOHN M. VANYUR, ASSISTANT DIRECTOR
CORRECTIONAL PROGRAMS DIVISION

FROM:

Harley G. Lappin
Harley G. Lappin, Director

SUBJECT:

Establishment of a Certification Review Panel and
Delegation of Certification Authority

By this memorandum, I am directing the establishment of a Certification Review Panel (CRP) to review releasing offenders for civil commitment pursuant to Title 18 U.S.C. § 4248(a), as enacted by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). This panel is to be composed of staff from the Correctional Programs Division, the Office of General Counsel, and others appointed by the Assistant Director, Correctional Programs Division.

Further, I am delegating authority to certify offenders as "sexually dangerous persons" as defined under this law, to the Chairperson of the CRP. On an interim basis, this authority is delegated to Dr. William T. Bickart, Interim CRP Chairperson, and Dr. Paul Sahwell or Dr. John Baxter as alternate Chairpersons in his absence. As a permanent CRP is staffed, this delegated authority will convey to the Chairperson of the CRP.